



Atty. Dkt. No. 029318-0997

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: James CUNNINGHAM et al.

Title: MILLING MICROGRAM QUANTITIES OF
NANOPARTICULATE CANDIDATE COMPOUNDS

Appl. No.: 10/736,989

Filing Date: 12/17/2003

Examiner: Unassigned

Art Unit: 3725

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document, except as noted below, is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting an Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to Pre-OG Notice from Office of Patent Legal Administration dated July 25, 2003, *Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003.*

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date May 25, 2004

By Michele M. Simkin

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Substitute for form 1449B/PTO
**INFORMATION DISCLOSURE
 STATEMENT BY APPLICANT**

Complete if Known

Application Number 10/736,989
 Filing Date 12/17/2003
 First Named Inventor James Cunningham
 Group Art Unit 3725
 Examiner Name Unassigned
 Attorney Docket Number 029318-0997

Sheet 1 of 3

(use as many sheets as necessary)

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	4,848,676		STEHR	07/18/1989	
	A2	5,145,684		LIVERSIDGE ET AL.	09/08/1992	
	A3	5,298,262		NA ET AL.	03/29/1994	
	A4	5,302,401		LIVERSIDGE ET AL.	04/12/1994	
	A5	5,318,767		LIVERSIDGE ET AL.	06/07/1994	
	A6	5,328,404		BACON	07/12/1994	
	A7	5,336,507		NA ET AL.	08/09/1994	
	A8	5,336,662		LEE	08/09/1994	
	A9	5,340,564		ILLIG ET AL.	08/23/1994	
	A10	5,346,702		NA ET AL.	09/13/1994	
	A11	5,349,957		YUDELSON	09/27/1994	
	A12	5,352,459		HOLLISTER ET AL.	10/04/1994	
	A13	5,399,363		LIVERSIDGE ET AL.	03/21/1995	
	A14	5,401,492		KELLAR ET AL.	03/28/1995	
	A15	5,429,824		JUNE	07/04/1995	
	A16	5,447,710		NA ET AL.	09/05/1995	
	A17	5,451,393		LIVERSIDGE ET AL.	09/19/1995	
	A18	5,466,440		RUDDY ET AL.	11/14/1995	
	A19	5,470,583		NA ET AL.	11/28/1995	
	A20	5,472,683		ILLIG	12/05/1995	
	A21	5,494,683		LIVERSIDGE ET AL.	02/27/1996	
	A22	5,500,204		OSIFO	03/19/1996	
	A23	5,506,192		ANDERSON ET AL.	04/09/1996	
	A24	5,518,187		BRUNO ET AL.	05/21/1996	
	A25	5,518,738		EICKHOFF ET AL.	05/21/1996	
	A26	5,521,218		OSIFO	05/28/1996	
	A27	5,525,328		BACON ET AL.	06/11/1996	
	A28	5,543,133		SWANSON ET AL.	08/06/1996	
	A29	5,552,160		LIVERSIDGE ET AL.	09/03/1996	
	A30	5,560,931		EICKHOFF ET AL.	10/01/1996	
	A31	5,565,188		WONG ET AL.	10/15/1996	
	A32	5,569,448		WONG ET AL.	10/29/1996	
	A33	5,571,536		EICKHOFF ET AL.	11/05/1996	
	A34	5,573,749		ILLIG	11/12/1996	
	A35	5,573,750		SINGH	11/12/1996	
	A36	5,573,783		DESIENO ET AL.	11/12/1996	
	A37	5,580,579		RUDDY ET AL.	12/03/1996	
	A38	5,585,108		RUDDY ET AL.	12/17/1996	
	A39	5,587,143		WONG	12/24/1996	
	A40	5,591,456		FRANSON ET AL.	01/07/1997	
	A41	5,593,097		CORBIN	01/14/1997	

Examiner
Signature

Date
Considered

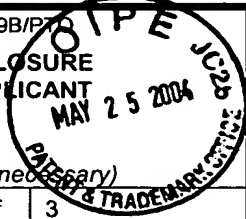
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⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449B/P INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Complete if Known		
			Application Number	10/736,989	
			Filing Date	12/17/2003	
			First Named Inventor	James Cunningham	
			Group Art Unit	3725	
			Examiner Name	Unassigned	
Sheet	2	of	3	Attorney Docket Number	029318-0997

U.S. PATENT DOCUMENTS					
	U.S. Patent Document				
	A42	5,593,657		RUDDY ET AL.	01/14/1997
	A43	5,608,101		LEE ET AL.	03/04/1997
	A44	5,622,938		WONG	04/22/1997
	A45	5,628,981		LIVERSIDGE ET AL.	05/13/1997
	A46	5,643,552		ILLIG	07/01/1997
	A47	5,718,388		CZEKAI ET AL.	02/17/1998
	A48	5,718,919		RUDDY ET AL.	02/17/1998
	A49	5,747,001		WIEDMANN ET AL.	05/05/1998
	A50	5,797,550		WOODALL ET AL.	08/25/1998
	A51	5,834,025		DE GARAVILLA ET AL.	11/10/1998
	A52	5,862,999		CZEKAI ET AL.	01/26/1999
	A53	6,045,829		LIVERSIDGE ET AL.	04/04/2000
	A54	6,068,858		LIVERSIDGE ET AL.	05/30/2000
	A55	6,153,225		LEE ET AL.	11/28/2000
	A56	6,165,506		JAIN ET AL.	12/26/2000
	A57	6,221,400	B1	LIVERSIDGE ET AL.	04/24/2001
	A58	6,264,922	B1	WOOD ET AL.	07/24/2001
	A59	6,267,989	B1	LIVERSIDGE ET AL.	07/31/2001
	A60	6,270,806	B1	LIVERSIDGE ET AL.	08/07/2001
	A61	6,316,029	B1	JAIN ET AL.	11/13/2001
	A62	6,375,986	B1	RYDE ET AL.	04/23/2002
	A63	6,428,814	B1	BOSCH	08/06/2002
	A64	6,431,478	B1	REED ET AL.	08/13/2002
	A65	6,432,381	B1	LIVERSIDGE ET AL.	08/13/2002
	A66	6,555,139	B2	SHARMA	04/29/2003
	A67	6,582,285	B1	CZEKAI ET AL.	06/24/2003
	A68	6,592,903	B2	RYDE ET AL.	07/15/2003
	A69	2002/0012675	A1	JAIN ET AL.	01/31/2002

FOREIGN PATENT DOCUMENTS

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		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A70	EP	338 992	A2	SANDOZ AG	10/25/1989		
	A71	EP	394 889	B1	SANDOZ AG	10/31/1990		
	A72	EP	506 967	B1	NEW OJI PAPER CO. LTD.	10/07/1992		
	A73	EP	137 963	B1	STAUFFER CHEMICAL COMPANY	04/24/1985		
	A74	EP	186 118	B1	STAUFFER CHEMICAL COMPANY	07/02/1986		

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Signature

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Considered

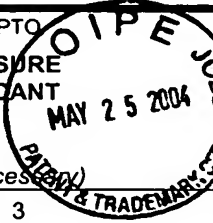
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			Examiner Name	Unassigned	
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		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A75	EP	186 119	B1	STAUFFER CHEMICAL COMPANY	07/02/1986		
	A76	EP	186 120	B1	STAUFFER CHEMICAL COMPANY	07/02/1986		
	A77	EP	249 150	B1	STAUFFER CHEMICAL COMPANY	12/16/1987		
	A78	EP	336 898	A2	SANDOZ AG	10/11/1989		
	A79	EP	461 079	B1	NOVARTIS AG ET AL.	12/11/1991		
	A80	EP	549 524	A1	SANDOZ-PATENT-GMBH	06/30/1993		
	A81	EP	315 589	B1	ILFORD LIMITED	09/08/1993		
	A82	WO	91/10653	A1	E.I. DU PONT DE NEMOURS AND COMPANY	07/25/1991		
	A83	WO	02/098565	A1	ELAN PHARMA INTERNATIONAL LIMITED	12/12/2002		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A84	BEVAN, "A high-throughput screening method for the determination of aqueous drug solubility using laser nephelometry in microtiter plates", <i>Anal. Chem.</i> , 72:1781-7, (Apr. 15, 2000).	
	A85	HERTZBERG, "High-throughput screening: new technology for the 21 st century", <i>Curr. Opin. Chem. Biol.</i> , 4:445-51, (2000).	
	A86	LEUNER ET AL., "Improving Drug Solubility for Oral Delivery Using Solid Dispersions", <i>Eur. J. Pharm. Biopharm.</i> , 50:47-60 (2000).	
	A87	MCNAME, "Robotised assays", <i>Lancet</i> , 346:114 (1985).	
	A88	PANCHAGNULA ET AL., "Biopharmaceutics and pharmacokinetics in drug research", <i>Int. J. Pharm.</i> , 201:131-50 (May 25, 2000)	

Examiner Signature	Date Considered
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